IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.798 OF 2005

Mr.Dilipkumar @ Pappu Teju Prajapati...Applicant

Versus

State of Maharashtra ...Respondent

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Ms.Mallika A.Ingale for Applicant.

Mr.D.R.More, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 11, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant is arrested in connection with offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code and is in custody since 13th August 2004. It is not in dispute that investigation is complete and charge-sheet has also been filed. It is a case of circumstantial evidence. The only circumstance

against the present Applicant is stated to be extra judicial confession made before Raju Rajesh Patel by the Applicant two days after the deceased was found missing. According to the Applicant, this statement is stated to have been recorded on 13th August 2004, but makes reference to the fact of 20th August 2004, which creates doubt about its authenticity and veracity. This argument, however, does not impress me, as the discrepancy can always be explained at the trial. However, as mentioned earlier, the only circumstance is the extra judicial confession pressed into service against the Applicant that he made statement before Raju Rajesh Patel, another employee of the same company the the Applicant and co-accused have killed the deceased.

3. As no other circumstance or corroborating piece of evidence is forthcoming, in my opinion, the Applicant deserves to be enlarged on bail. I find substance in the argument of learned A.P.P. that even if the Applicant is to be enlarged on bail, strict conditions should be imposed in that he should be asked to report to the concerned

Police Station regularly, as there is possibility that the Applicant would flee from the ends of justice, as the Applicant is not a permanent resident of District Thane. Accordingly, Applicant is directed to be released on bail on the following conditions:

(a) The Applicant is released on bail in connection with C.R.No.116 of 2004 registered with Kashimira Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with two local sureties in the like amount.

(b) The Applicant shall regularly report to the concerned Police Station once in a fortnight on Saturday between 10.00 a.m. and 1.00 p.m.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal

of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.